REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-4, 6, 13-14, 18, 22, 34-35, 39 and 48-51 have been amended. Claims 43-47 and 52-53 were previously canceled. Claims 12 and 33 were previously canceled. Correspondingly, claims 13 and 34 were previously amended to depend on claim 1 and claim 22 respectively. However, because of a typographical error, claims 12 and 33 were presented again in the after final response mailed on 9/5/2006. To correct the typographical error, claims 12 and 33 remain canceled in this response. Correspondingly, claims 13 and 34 were restored as previously amended. In addition, claims 13 and 34 have been amended in this response. No claims have been added in this response. No new matter has been added.

Claim Rejections

Independent claims 1 and 22 stand rejected under 35 U.S.C. § 103(a) based on French (U.S. Patent no. 6,341,312) in view of Kampe (Pub. No. US 20020002448). Applicant respectfully traverses the rejections.

As explained in the response to the office action mailed on 1/17/2006, the present invention discloses a system and method for operating a server device that can maintain a connection with a client device across reboot (elective and non-elective) and failure of the server device. This is accomplished by an inventive mechanism resident at the server device. It requires no persistent connection software at the client, no awareness of the client device that a persistent connection is being enforced, and no requirement that the client device maintain nay data incident to enforcing a persistent type of connection. With the above remarks in mind, attention is directed to independent claim 1.

Claim 1, as currently amended, recites:

1. A method of operating a file server, comprising the steps of:
receiving a network request at said **file server**;
recording a state at said file server at the time of said receiving the request, said state including information regarding a persistent connection between said server and a client device;
restoring said state of said file server upon reboot; and
attempting to continue the network session between said client device and said file server that the request was part of, **wherein said step of recording state further comprises the step of determining whether recovery will be accomplished by rebooting the server or takeover by another server**, wherein said steps of recording and restoring are transparent to said client device.
(emphasis added).

In contrast, French does not teach or suggest a method, as recited in claim 1, implemented in a server. French relates to persistent network connections that can survive logoff and persist across logon. It discloses a method that requires persistent connections software resident on the client device (*see* French's column 2, lines 34-36), and requires that data structures in support of the persistent connection be stored at the client device (*see* French's column 6, lines 40-45). Likewise, Kampe does not teach such a method implemented in a server.

Applicant appreciates the Examiner's acknowledgement that French does not teach or suggest determining whether recovery (restoring the file server to the state as recorded) will be accomplished by rebooting the server or takeover by another server (Final Office Action mailed on 6/15/2006, page 3). The Examiner, however, contends that Kampe teaches or suggests that limitation. Specifically, the Examiner cites Kampe's paragraphs 48, 49, 54, 55, 62, 65 and figures 4 and 5.

Kampe discloses a method that incorporates software into a network availability model. The software availability model includes an aggregate failure rate for each of the classes of failures, and aggregate repair time for each of the classes of failures. Specifically, Kampe's paragraph 48 discusses node reboot, what causes a node to reboot, etc. Paragraph 49 discusses

reboot rate and reboot failures. Paragraph 54 discusses failure rate for attempted recover actions, such as reboot, for each possible software error. Paragraph 55 discusses platform parameters which may be used to determine the parameters within software component node reboot state and software component cluster reboot state. Paragraph 62 discusses recovery failures that occur after recovery actions have been done. Paragraph 65 discusses failure rates and times to repair/recover.

None of the above cited paragraphs teaches or suggests determining whether recovery (restoring the server to the state recorded) will be accomplished by rebooting the server or takeover by another server. Nor is such functionality disclosed elsewhere in Kampe or in French. The failure rate discussed by Kampe is just statistic information, not a specific determination whether an individual recovery will fail or succeed.

Thus, at least for the foregoing reasons, French and Kampe, individually or in combination, do not teach or suggest all limitations of claim 1. Therefore, claim 1 is not obvious in view of French and Kampe. Claim 1 and all claims which depend on it are patentable over French and Kampe.

Claim 22 recites similar limitations to those discussed above for claim 1. Thus, for similar reasons, claim 22 and all claims which depend on it are also patentable over French and Kampe.

Claims 48, 49 and 51 stand rejected under 35 U.S.C. § 103(a) based on Delaney (U.S. Patent No. 5,996,086) in view of French. Applicant respectfully traverses the rejections.

Claim 48, as amended, recites:

48. Non-volatile memory of a server device, said non-volatile memory storing information, said information including;

information identifying the state of the server device; and

information identifying a flag value, said flag value indicating a previous operating mode said mode identifying an elective reboot of said server device to be effected while attempting to continue any active CIFS sessions between the server device and one or more client devices.
(Emphasis added).

Delaney and French, individually or in combination, do not teach or suggest the above emphasized limitation in bold. Applicant appreciates the Examiner's acknowledgment that Delaney does not teach or suggest the step of attempting to continue any active CIFX sessions (*see* Final Office Action, page 10). French does not teach or suggest the above emphasized limitation, either. As explained above, French's method is implemented on the client device. Data structures are also stored on the client machine. In contrast, the information as recited in claim 48 is stored on the server device. As recited in claim 48, it is the server device that is attempting to continue any active CIFS sessions, not any client device. Thus, at least for the foregoing reasons, claim 48 is patentable over Delaney and French.

Claims 49 and 51 each recite similar limitation to those discussed above for claim 48. For similar reasons, claim 49 and 51 are all patentable over Delaney and French.

Claim 50 stands rejected under U.S.C. 35 § 103(a) under Delaney, Edmonds and French. Claim 50 recites similar limitation as discussed above for claim 48. As discussed above, French does not teach or suggest the emphasized limitation recited in claim 48 because French's method and data structure is respectively implemented and stored on the client device. The Examiner acknowledges that Delaney does not teach or suggest the limitation, either. Neither does the Examiner contend that Edmonds teaches or suggests the limitation. Therefore, for similar reasons, claim 50 is patentable over Delaney, Edmonds and French.

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,
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